

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

No. C 10-03561 WHA

**ORDER DENYING  
PRÉCIS REQUEST  
PENDING MEET-  
AND-CONFER SESSION**

Google Inc. requests leave to file a motion “to maintain its existing confidentiality designations on the Tim Lindholm emails, which Google produced to Oracle pursuant to Magistrate Judge Ryu’s orders of August 25 and August 26, 2011 finding that the Lindholm emails were not protected by any applicable privilege or immunity” (Dkt. No. 449). Oracle America, Inc. opposes this request (Dkt. No. 453).

Disputes regarding confidentiality designations are governed by the protective order in this action. In particular, a motion to maintain a challenged confidentiality designation may be made only after the parties attempt to resolve the dispute by meeting and conferring through direct voice-to-voice dialogue (Dkt. No. 66 at 8). Here, the parties have made no such attempt, and they point the finger of blame for this failure at one another.

Because the mandatory meet-and-confer process was skipped, Google’s request to file a motion to maintain its challenged confidentiality designation will not be granted at this time. The parties, however, must conduct a meet-and-confer session by **SEPTEMBER 28, 2011**, and must make a good faith effort to resolve this issue. If the parties fail to resolve their dispute through the meet-and-confer, then Google may file its proposed motion without seeking further leave.

**IT IS SO ORDERED.**

Dated: September 26, 2011.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE